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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,635	08/27/2003	Marco Rochat	ICB0152	3900
24203	7590	08/09/2005		EXAMINER
GRiffin & SZIPL, PC SUITE PH-1 2300 NINTH STREET, SOUTH ARLINGTON, VA 22204			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,635	ROCHAT, MARCO	
	Examiner	Art Unit	(initials)
	Leo T. Hinze	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-12 is/are rejected.
- 7) Claim(s) 3 and 13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20031202, 20030827</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2854

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 10 recite the limitation "column-wheel" and "columns". While at first glance there appears to be insufficient antecedent basis for this limitation in the claim, it appears that simply changing the syntax to refer to columns as "a" instead of "the" will not be sufficient to correct the indefiniteness, as "columns" would not appear to make sense without the accompanying ratchet wheel and teeth claimed in claim 3. It appears that the limitations from claim 3 may need to be added to claims 5-10, or the dependency of claims 5-10 needs to be changed so that the claims depend from claim 3, which claims the columns and the associated structure of the ratchet wheel.

No art has been applied to claims 5-10. Treating the "column wheel" and "column" limitations in claims 5-10 as having proper antecedent basis does not provide clear enough claim language to determine how the column wheel is structurally related to the other claim elements, and if claims 5-10 were dependent from claim 3 they would be objected to as allowable but dependent on a rejected claim.

Appropriate correction or clarification is required.

Art Unit: 2854

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Thoenig, US 4,422,775 (Thoenig).

a. Regarding claim 1, Thoenig teaches timepiece such as a wristwatch fitted with an alarm mechanism including a member able to produce an alarm signal at a predetermined moment (col. 1, ll. 55-58), as well as a control device for providing visual information indicating whether the alarm mechanism is switched on or off (16, Fig. 1), and simultaneously locking or releasing the alarm generator member (col. 5, ll. 36-67), wherein the control device is activated by means of a push-button (18, Fig. 1).

b. Regarding claim 2, Thoenig also teaches wherein the push button acts on the control device (16, Fig. 1) via a column wheel (12, Fig. 1).

c. Regarding claim 4, Thoenig also teaches wherein the control device includes an alarm locking lever (74, Fig. 5) and a locking indicator lever (22, Fig. 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2854

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thoenig in view of Baltsois, US 1,916,033 (Baltsois).

Thoenig teaches all that is claimed as discussed in the rejection of claim 1 above, including the use of mechanical contact members for the alarm action instead of electrical contacts (col. 6, ll. 23-24).

Thoenig does not teach wherein the alarm generator is formed by a hammer able to strike a gong.

Baltsois teaches an alarm device for clocks with visual indication of the alarm status (40, 41, Fig. 1), including a vibrating clapper (p. 3, l. 27).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Thoenig to use a mechanical alarm in the form of a hammer able to strike a gong, because Baltsois teaches that a vibrating clapper is an effective alarm means, and a person having ordinary skill in the art would recognize that some consumers would prefer a traditional sounding alarm, thereby increasing the commercial desirability of an alarm with a hammer and gong.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thoenig in view of Bickerton, US 1,483,768 (Bickerton).

Art Unit: 2854

Thoenig teaches all that is claimed as discussed in the rejection of claim 1 above, including the use of mechanical contact members for the alarm action instead of electrical contacts (col. 6, ll. 23-24).

Thoenig does not teach wherein the alarm generator member generates a silent alarm.

Bickerton teaches silent alarm wristwatch (p. 1, ll. 13-14).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Thoenig to use an alarm generator member that generates a silent alarm, because Bickerton teaches such an alarm, and a person having ordinary skill in the art would recognize that in this day and age of audible overload from things like cell phones and pagers, a silent alarm may be desirable to some consumers, thereby increasing the commercial desirability of a silent alarm.

Allowable Subject Matter

8. Claims 3 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

a. Regarding claim 3, the prior art of record does not teach or render obvious a timepiece having all of the structure and limitations as claimed, including a ratchet wheel with twice as many teeth as columns.

Art Unit: 2854

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze
Patent Examiner
AU 2854
05 August 2005


Daniel J. Colilia
Primary Examiner
Art Unit 2854